

REMARKS

Claims 1 and 5 are amended. Support for the amendments in claim 1 can be found in the original specification, page 4, lines 11-14 and 25-26.

Claim Rejection – 35 USC 112

Claims 1 and 5 have been rejected under 35 U.S.C. 112, second paragraph.

Claims 1 and 5 amended as shown above render the rejection moot and withdrawal thereof is therefore requested.

Claims rejection – 35 USC 103

Claims 1-5, 10-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr. in view of Joosten, of Hayashy and of Sumida.

Claims 7-8 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr. in view of Joosten, of Hayashy and of Sumida and further in view of Hubbard.

Claims 9, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr. in view of Joosten, of Hayashy and of Sumida and further in view of The Encyclopedia of Polymer Science and Engineering.

The objections are respectfully traversed by the Applicants who submit that a proper “prima facie” case of obviousness has not been established by the Examiner.

In this regard the Applicants note that the criteria and Examiner’s burden for making a prima facia case of obviousness in accordance with MPEP Section 706.02(j) are as follows (emphasis and numbers added);

To establish a prima facie case of obviousness, three basic criteria must be met. (1) First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. (2) Second, there must be a reasonable expectation of success. (3) Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the

claimed combination and the reasonable expectation of success must both be found in the prior art and not based on the applicant's disclosure.

The case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirements for showing of the teaching and motivation to combine prior art references, and that such references can be combined only if there is some suggestion or incentive to do so. *In re Sang - Su Lee* 61 U.S.P.Q. 2d 1430 (CAFC 2002).

In the present case the Examiner allegedly combines the teachings of **FOUR OR FIVE DOCUMENTS** so as to arrive at the subject matter of each of the rejected claims, but the Examiner has not identified any objective suggestion or motivation in the documents themselves or in the knowledge generally available to one of ordinary skill in the art to make such a combination between disparate teachings of all the FOUR OR FIVE documents. Moreover, the Examiner has not identified in the documents themselves a reasonable expectation of success of the combination of the certain teachings of the FOUR OR FIVE documents.

Accordingly, the Applicants request that the Examiner withdraw the rejection of claims 1-5 and 7-22 under section 103(a).

In view of the foregoing, favorable action on the merits, including entry and approval of all amendments, reconsideration and withdrawal of each rejection and allowance of all claims is respectfully solicited.

Respectfully submitted,



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